

CVP M&I Water Shortage Policy Review Stakeholder Workshop #5 Summary

**January 20, 2011
Sacramento, California**

Objectives of the WSP Review Process

- Review CVP M&I Water Shortage Policy (WSP) status
- Enhance understanding of the WSP
- Obtain input from CVP contractors and public (stakeholders)
- Help guide decisions on the WSP

Objectives of Today's Workshop

- Recognize contributions of the CVP Stakeholder Working Group
- Review comments received on Working Draft CVP M&I WSP and Reclamation's preliminary responses
- Discuss the NEPA Process

I. Comments Received

- A. Term and Condition #3, the condition that agricultural water converted after 1994 shall be subject to agricultural allocation, is under review by Reclamation.

II. Questions/ Comments on Preliminary Responses

- A. M&I contractors provided a red line/strikeout version of the Draft Policy and are interested in seeing the revised Draft Policy that will be evaluated in the NEPA process. They would like to see the red line/strikeout version considered as an alternative.
- B. Courts say there needs to be a new Delta Biological Opinion (BO). Reclamation should have a new BO before proceeding with this project.
- A. Reclamation should clarify its response regarding adjustments for population growth. Contractors want to ensure that the adjustment for non-CVP supply is also adjusted for population growth. How will Reclamation parse out population that applies only to CVP water but not non-CVP water? Contractors expect to at least be provided with clarity when the policy is presented as a part of the NEPA process.
- C. What are the State's criteria for public health and safety quantities?
- D. The contractors are interested in understanding the conflict between the 75 percent cap on public health and safety allocation and



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Reclamation's claim that public health and safety would be provided to the maximum degree possible.

- E. The contractors would appreciate advance notice to allow them time to prepare to coordinate with Reclamation on public health and safety calculations.
- F. Reclamation should develop some guidelines or principles for how to work with contractors on their public health and safety calculations so that there is consistency between contractors. For example: 1) if groundwater is an available non-CVP supply, Reclamation should not require contractors to go into overdraft conditions; and 2) if a local reservoir is an available non-CVP supply, Reclamation should not require contractors to drain their reservoir before requesting public health and safety water.

III. NEPA Process

- A. Reclamation is planning to enter into NEPA scoping to gather input on alternatives. The October Draft WSP could be formatted as one alternative.
- B. Reclamation will be preparing a full EIS. Reclamation believes it is prudent to conduct an EIS to perform an extensive analysis of the numerous potential physical and human effects.
- C. The EIS will be completed at a project level with a suite of alternatives.
- D. Public Scoping:
 - 1. Scoping will occur in February and March, with meetings the week of March 7, 2011. *[Update: Scoping meetings will be conducted the week of March 21, 2011.]*
 - 2. A Public Scoping Report will be provided following scoping.
- E. The effects analysis will require direct coordination with the contractors.
- F. A Public Draft of the EIS is expected in April 2012. Reclamation's goal is to have a Record of Decision in water year 2013.
- G. Reclamation plans to provide progress updates on the project website. Project updates will be structured to solicit input from the contractors and the public.

Contractor Responses/Questions

- A. The contractors are interested in understanding how Reclamation plans to meet public health and safety levels, and how this will be modeled to help shape their input during scoping.



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- B. The critical part of the EIS process is the scope. Will the EIS address only the policy or only address existing infrastructures? There are new pumping restrictions and may be future projects in the Delta that will affect the project.
- C. The contractors have concerns with how future operational conditions will be characterized in the EIS given the changing policy environment. The contractors do not think that the decisions on operations should limit the development of the Project Description.
- D. Is Reclamation planning to incorporate the contractors' proposed changes to the policy? Is the policy analyzed in the NEPA process?
- E. The contractors feel that the EIS process has the potential to open this project up to a wide range of alternatives.
 - 1. Does Reclamation plan to limit the alternatives to operating within the existing hydrology?
 - 2. Would Reclamation consider engineering solutions?

